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May 24, 2021

VIA ECF

Hon. Marian W. Payson
United States Magistrate Judge
100 State Street
Rochester, New York 14614

**Re: Bail Modification Request for Mark Anthony Phillips
USA v. Phillips, 21 MJ 4062 (MWP)**

Dear Judge Payson:

On behalf of defendant Mark Anthony Phillips in the above-captioned case, I respectfully request that Mr. Phillips' conditions of bail be modified to permit travel throughout New York State instead of the current restriction in which travel is limited to the Western District of New York.

Further, Mr. Phillips has a pre-planned vacation with his wife and child to the Outer Banks in North Carolina from June 27 to July 11, 2021, planned before his arrest on May 5, 2021. I respectfully request on his behalf that he be allowed to take this trip with his family.

As part of his business, Mr. Phillips has clients that he must see outside of the Western District of New York, specifically, in New York City. His business attorney is in Manhattan, and many of his clients are located throughout both the Eastern and Southern Districts of New York. Since his arrest, under the current bail conditions, Mr. Phillips' legitimate business has been curtailed. A prolonged restriction to solely the Western District would cause him financial hardship. Additionally, my office is in Manhattan and it would be helpful if we could meet in person during the pendency of the case on a semi-regular basis.

I have spoken to Assistant United States Attorney Richard Resnick and to Mr. Phillips' Pretrial Services Officer, Nicholas Bavaria, about this application. Neither Mr. Resnick nor Mr. Bavaria has an objection to the bail modifications herein requested.

Sincerely,

cc: AUSA Richard Resnick (via ECF)
PTSO Nicholas Bavaria (via ECF)

s/s Camille M. Abate, Esq.
Having been advised by AUSA Resnick and USPO Bavaria that neither has any objection, the requested modifications are granted. Mr. Phillips is required to provide Officer Bavaria with his itinerary by no later than one week in advance of his approved travel.
SO ORDERED. Marian W. Payson, U.S.M.J. 5/25/21

Marian W. Payson